

Notice of Allowability

Application No.

09/528,479

Examiner

Michael W. Hoyer

Applicant(s)

GOODMAN ET AL.

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2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed on 9/22/05.
2. ☒ The allowed claim(s) is/are 4.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Drawings

1. The formal drawings received on 9/22/05 are acceptable.

Allowable Subject Matter

2. The following is an examiner's statement of reasons for allowance: Claim 4 (renumbered as claim 1) is allowed.

As for independent claim 4, the prior art, alone or in combination, does not teach or fairly suggest the claimed method of scheduling and paying for advertising comprising: booking a advertising segment with an advertising agency, said booking comprising determining time, network, pricing and commission parameters for said advertising segment; establishing an account with a clearinghouse, said clearinghouse determining if the advertising segment actually aired at the specified time by automatically detecting a code on the advertising segment and verifying security of said code; and said clearinghouse automatically authorizing payment if said advertising segment played at the specified time and automatically authorizing an error resolution procedure if the advertising segment played at other than the specified time wherein said security comprises information on the advertising segment correlated with content of the advertising segment, and wherein said information correlated with the advertisement comprises information indicative of an average brightness of at least part of the advertising segment.

As for the most pertinent prior art of record, the Echeita et al (USPN 5,826,165) patent discloses an advertisement reconciliation system, that includes a method of scheduling and

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paying for advertising. The claimed “booking an advertising segment with an advertising agency” is met by a contract (col. 3, lines 40-41) or contractually agreed upon attributes/parameters (col. 4, lines 42-47; also see Ad Agency 38 in Fig. 1). The Echeita reference discloses the claimed booking for said advertising segment comprising determining time (col. 3, lines 30-36), network (col. 1, lines 15-17 and col. 7, line 48), and pricing (col. 1, lines 19-20). It would have been obvious to one of ordinary skill in the art to have the claimed booking further include commission parameters for said advertising segment since Echeita discloses that the contract agreed upon may include various attributes/parameters (col. 4, lines 42-47) and it is well known in the art of scheduling advertisements to include various commission incentives according to the accuracy of the broadcaster airing the commercial at the correct time, during a promotional period, or various other related parameters for the advantage of increasing sales and revenue for the broadcasters and ad agencies. The claimed “establishing an account with a clearinghouse” is met by the advertisement reconciliation system computers 38 (Fig. 1) and the billing accounts system 40, where the system computers 38 determine if the commercial actually aired at the specified time by automatically detecting the contract number and contract line number as well as the time spot aired information from the broadcast data stream. the accounting procedures allow the program provider and advertiser to make an immediate judgment on whether the commercial aired at the specified time and to point out discrepancies if an error occurs (col. 8, lines 8-21 & 31-65; and col. 10, lines 49-59). Moreover, the claimed error resolution procedure is described in part in col. 8, lines 50-65, col. 10, lines 41-58, and more explicitly in conjunction with col. 3, lines 5-14 and col. 4, lines 42-48, where the various attributes and/or parameters of actual advertisements as broadcast are gathered, and the

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attributes/parameters are compared with contractually agreed upon attributes/parameters, which is known as advertisement reconciliation. The “assembled reconciliation data may be sent to a computer for additional processing such as comparing the assembled reconciliation data with the various contractually agreed-upon parameters and identifying any discrepancies between the two. The computer may route the reconciliation data and/or processed reconciliation data...to a billing and accounting system that would use the reconciliation data to finalize the sale and initiate billing.” When a discrepancy occurs, such as a commercial airing at the wrong time, problems may be researched to find the cause of the problem, the advertiser may be billed less or not billed (depending on the contract), and/or the commercial may be aired at another time as a “make good” for a commercial previously missed (also depending on the contractually agreed on attributes/parameters). In addition to, the advertisements and other data signals encoded and transmitted along with security access data (col. 5, lines 43-67) and the security of the data transmitted is decrypted and processed by access control circuits (col. 6, lines 30-64). The claimed wherein said security comprises information on the advertising segment correlated with content of the advertising segment is met by digitally encoding data packets that accompany the data packets that form the actual advertisement (see col. 5, lines 43-67), where the data packets include numbers or identifiers that identify the actual advertisement (col. 5, lines 4-14). Furthermore, the Echeita et al reference discloses in col. 5, lines 43-53, that the reconciliation data, security access data, etc., are coordinated with a particular commercial spot and encoded into data packets that accompany the data packets that form the actual advertisement. However, the Echeita et al patent does not disclose that the security comprises information on the advertising segment correlated with content of the advertising segment, that comprises

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information indicative of an average brightness of at least part of the advertising segment. In the Applicants' invention these features are specifically disclosed in claim 4.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dimitrova et al (USPN 6,469,749) – Discloses an automatic signature-based spotting, learning and extracting of commercials and other video content.

Ginter et al (USPN 5,917,912) – Discloses a system and methods for secure transaction management and electronic rights protection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael W. Hoye whose telephone number is **571-272-7346**. The examiner can normally be reached on Monday to Friday from 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at **571-272-7353**.

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Any response to this action should be mailed to:

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

Mail Stop _____
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Effective January 14, 2005, except correspondence for Maintenance Fee payments, Deposit Account Replenishments (see 1.25(c)(4)), and Licensing and Review (see 37 CFR 5.1(c) and 5.2(c)), please address correspondence to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolater, etc.) as follows:

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Or faxed to: 571-273-8300

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is **571-272-2600**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).

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Michael W. Hoyer
December 16, 2005



JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600